



City of Santa Barbara

Community Development Department

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Hilary Papendick
Sea-level Rise Work Group
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105

Director's Office

Tel: 805.564.5502

Fax: 805.564.5506

Building & Safety

Tel: 805.564.5485

Fax: 805.564.5476

Housing &

Redevelopment

Tel: 805.564.5461

Fax: 805.564.5477

Planning

Tel: 805.564.5470

Fax: 805.897.1904

Rental Housing

Mediation Task Force

Tel: 805.564.5420

Fax: 805.564.5477

630 Garden Street

PO Box 1990

Santa Barbara, CA

93102-1990

RE: DRAFT SEA-LEVEL RISE POLICY GUIDANCE DOCUMENT

Ms. Papendick:

Thank you for providing the opportunity to review the California Coastal Commission's (CCC) *Draft Sea-level Rise Policy Guidance Document*. Once completed, this document will be an important tool for coastal communities throughout California that are working to address climate change and sea level rise (SLR) through updated policies and actions. The City of Santa Barbara supports the goals of this guidance document, and commends the Coastal Commission for leading this effort. The City does however have a number of comments and concerns with this guidance document, and emphasizes that this document and all comments provided are for guidance assistance purposes only, and not regulatory standard setting.

General Comments:

Consistent Working Assumptions

The City is concerned with the practical functionality and lack of direction on which of the SLR assumptions are used for planning purposes. Following the first Ocean Protection Council (OPC) recommendations (2011), State agencies (such as State Lands Commission and Coastal Commission) began coalescing around specified levels within the SLR model ranges to use for planning purposes (16 inches in 2050, 55 inches in 2100). This provided direction, predictability and consistency among agencies, and met the intent of the original 2008 Governor's Executive Order S-13-08 that led to the OPC, which was to provide direction and consistency among agencies in SLR assumptions to be used for planning.

The most recent OPC estimates (2013), based on the 2012 National Research Council (NRC) report features an even broader range of SLR values (2-12 inches in 2030, 5-24 inches in 2050 and 17-66 inches in 2100), but neither the OPC nor CCC have identified specific assumptions within these ranges for practical planning use. The result is that individual projects require analysis of at least two distinct scenarios to cover the high and low end of the scale. And, there is no direction as to how local jurisdictions should weigh the factors to decide which SLR assumptions to ultimately use for project review. The result is a cumbersome process that is both extensive and extremely expensive. Although the present state of science is still uncertain and can be anticipated to be changeable and uncertain over time, more specific guidance should nonetheless be provided.

Consistent Methodology

The process steps in the OPC estimates (2013) and draft CCC guidance documents require local jurisdictions and individual technical analysts to identify which SLR estimates to use, and which scenarios to require. This is inherently problematic, as methodologies and assumptions will likely vary between jurisdictions, research efforts, and the CCC, leading to unpredictability during the review process. For example, there are currently six distinct SLR vulnerability assessments being conducted in the Santa Barbara area. Without a consensus on which assumptions to use, it is likely that the outcomes of these efforts will vary, decreasing the regional value and practical applicability of these projects. Further, if a local agency chooses particular methodologies and assumptions and the Coastal Commission later disagrees with them during an appeal process, extensive delay added costs would result.

Reasonable Planning Horizons

Evaluating sea-level rise scenarios in 2100 poses additional issues. Eighty-six years is an unrealistic planning horizon, rooted in speculation. No current City plans or documents span that horizon. As a result, the City suggests that the 2100 planning horizon be eliminated or at a minimum not required for use in any permitting. Instead, all project level analysis should be consistent with the length of the permitted life of the project.

Regulatory Takings

Many of the actions in the guidance document have significant legal impacts, but a discussion of case history and mitigation measures is not detailed. For instance, reducing development life is a sea-level rise mitigation measure mentioned multiple times during the CDP process. The City is concerned that this will be viewed as a regulatory "taking," and the CCC guidance document does not provide direction on the legality of implementing such actions. This document should also mention that state land boundaries and coastal jurisdiction boundaries will change with SLR. As a result, an expanded discussion of regulatory takings is needed.

Adaptation Measures

Overall, the City supports the range of adaptation measures outlined. However, the adaptation strategies should also provide considerations for short-term solutions pertaining to storm events, and what the community can do to prepare for, and survive such events. Retreat and relocation strategies are important actions to consider, but near-term events are often far easier to predict, and plan for mitigation. For instance, many of the City's coastal facilities and infrastructure were damaged by storm events, wave run-up and flooding during the storms of 1983. It is predicted that climate change will increase the frequency of extreme weather events, and with increased high water lines due to sea-level rise, flooding vulnerabilities and storm damage are anticipated to increase. As a result, it seems likely that another storm event like the one in 1983 will occur, and therefore, actions should be made to address existing facilities and infrastructure.

Need for Public Input and Regional Collaboration

The 6-step approach for LCP updates lacks a public input component. The City suggests that consideration for local input be provided after adaptation measures are identified (Step 4). A consideration in the planning process should also include regional collaboration and the involvement of local special districts (water, sewer, fire, etc).

Use of the Document

The City encourages the CCC to edit the document for a broader audience with information that can be easily disseminated, particularly in Section III, which discusses the science behind sea-level rise.

Specific Comments:

CDP Costs and Exemptions

The City is concerned with the fiscal implications of the multi-step approach required for LCP updates and CDPs, and the requirement for increased project-level analysis. While this increased analysis may be justifiable for LCPs and large new development projects, this approach would make many minor projects and routine maintenance efforts cost-prohibitive. The City specifically requests that the CCC consider exemptions to SLR analysis for repair and maintenance of public works facilities, with an emphasis to protect and ensure continuous operation of critical infrastructure. Public safety exemptions should also be considered for private maintenance and repair projects.

CDP Mechanics

Step One of the 5-step CDP process states that projects should be adjusted for local conditions, but no direction is provided indicating which conditions matter, and how these conditions affect the process. Under Step 2.1 - *Analyze relevant sea-level rise impacts*, further detail is needed about the mechanism with which project life may need to be shorted due to erosion analysis (e.g. would a structure be required to be demolished if implementing a protective device is the only method to save the development?).

Step Three needs to detail how a municipality should consider adjacent future projects that may exacerbate SLR or inundation area during the review process. With the exception of the "New Development" heading, the sections of Step 3.1 – *Analyze coastal resource impacts and hazard risk*, do not lend themselves to evaluating a CDP for a development project. Instead, these sections focus on the evaluation of the overall impacts of SLR on resources in general. The Water Quality section states that the elevation of the groundwater table should be identified, but does not clarify the methodology for this analysis or who should conduct it (e.g. does this require a hydrologist?).

Step Three of the example CDP project includes a component regarding bluff-top residential development. This section states that all relevant resources should be evaluated for SLR impacts both with and without project implementation. It may prove onerous to require an applicant to evaluate both of these scenarios.

Step Five includes a monitoring component. A provision should be added to address the specifics for how the monitoring requirements should be implemented.

Flood Elevations

Further guidance is needed to address how finished flood elevations / base flood elevations should be evaluated when considering consistency with existing Flood Control District and FEMA requirements. Likewise, the guidance document points to increased monitoring as a methodology to evaluate SLR hazards, and "triggers" are proposed as a mechanism to justify the modification of development life, but specific thresholds and detailed guidance are not provided.

Critical Infrastructure

In order to protect the City's critical operations, the City must plan ahead and identify the adaptive capacity, consequences of SLR, and evaluate land use planning options and constraints as proposed in the SLRPG. The City appreciates that critical infrastructure such as

wastewater treatment plants and transportation infrastructure have been specifically incorporated for consideration in Section IV of the SLRPG.

Section 4.1 Planning and Locating New Development suggests changes to an updated LCP in order to address the kinds, locations, and intensity of uses allowed in the coastal areas at increased risk of coastal hazards. This section proposes updated development standards and redevelopment restrictions. As the Commission is aware, the City's El Estero Wastewater Treatment Plant is currently considered a non-conforming use with respect to the City's LCP. Such additional development restrictions as suggested in Section 4.1 could severely restrict or delay the City's ability to upgrade critical systems at El Estero to maintain compliance with State and Federal air and water quality standards and permitting requirements. The City suggests an exemption to this development restriction for wastewater treatment plants located in the Coastal Zone. This is necessary in order to continue safe and reliable operation of this critical piece of City infrastructure. In addition, provisions should be made to expedite the review process of all critical infrastructure projects.

Section 4.3 Public Access and Recreation suggests changes to an updated LCP that would add policies to address impacts to transportation plans. Such policies would establish new alternative transportation routes for areas at risk from SLR, to ensure that continued alternative transportation and parking is available. As described above, many of the City's primary transportation routes are in the Coastal Zone. The City appreciates the Commission's inclusion of alternative transportation route planning in the event of SLR. However, the Commission's draft coastal retreat policy includes converting coastal property vulnerable to sea rise to open space. The City is concerned how such a policy would affect critical infrastructure such as public roads.

Section 4.6 Water Quality proposes updates to the LCP, which would include policies that would establish a long-term strategy for saltwater intrusion in aquifers. The City supports policies which establish long-term strategies, while not limiting the City's various pumping alternatives for this critical resource.

Section VII. Next Steps lists Goals and Objectives from the CCC's recently completed Strategic Plan for 2012-2018. Objective 3.2 – *Assess Coastal Resource Vulnerabilities to Guide Development of Priority Coastal Adaptation Planning Strategies* including several actions, especially 3.2.2 and 3.2.3, which encourage interagency coordination and collaboration to address public infrastructure vulnerabilities. The City is in strong support of such policies as public agency partners such as Caltrans, the Department of Water Resources, and others are critical for assessing coastal resource vulnerabilities.

Appendix C, Table 17. Site Development Standards and/or Mitigation identifies infrastructure-service protection as a category where "...LCPs can identify critical infrastructure to hazards from sea-level rise, and can include criteria for managed relocation of at-risk facilities and direction to ensure continued function of critical infrastructure given sea-level rise and extreme storms." The City is in support of the implementation of any and all measures that ensure continued function of critical infrastructure.

Conclusion

The City's primary concerns with this guidance document are: 1) The need for consistent working assumptions among agencies to use for SLR planning purposes; 2) The need for additional technical direction; 3) The need to reduce the potential financial burden of executing project-specific SLR assessments; 4) The legality of certain adaptation actions including the

potential for regulatory takings; 5) The lack of short-term adaptation actions; and 6) Further consideration of critical infrastructure.

Thank you again for providing the opportunity for the City of Santa Barbara to provide feedback on this truly important guidance document. For any future questions, please contact my staff member John Ledbetter, Principal Planner via email - [REDACTED] or phone - [REDACTED]

Sincerely,

[REDACTED]

Bettie Weiss
Acting Community Development Director
City of Santa Barbara
bweiss@SantaBarbaraCA.gov
(805) 564-5509

CC: John Ledbetter, Principal Planner
Rebecca Bjork, Acting Public Works Director
Scott Riedman, Waterfront Director
Nancy Rapp, Parks and Recreation Director
Jack Ainsworth, CCC, Senior Deputy Director
Steve Hudson, CCC, District Manager
Melissa Ahrens, CCC, Coastal Planner